

Article - Estates and Trusts

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§5–702.

An election for modified administration may be filed by a personal representative of an estate within 3 months from the date of appointment, if:

(1) All residuary legatees of a testate decedent and the heirs at law of an intestate decedent are limited to:

(i) The decedent's personal representative;

(ii) Individuals or entities exempt from inheritance tax in the decedent's estate under § 7–203(b), (e), and (f) of the Tax – General Article; and

(iii) Trusts under which each person who has a current interest in the trust is an individual or entity exempt from inheritance tax in the decedent's estate under § 7–203(b), (e), and (f) of the Tax – General Article;

(2) The estate is solvent and sufficient assets exist to satisfy all testamentary gifts;

(3) A verified final report under modified administration is filed within 10 months from the date of appointment;

(4) Final distribution of the estate can occur within 12 months from the date of appointment; and

(5) All residuary legatees of a testate decedent and the heirs at law of an intestate decedent consent to a modified administration as required under § 5–706 of this subtitle.

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